

April 23, 2001

Mr. Charles Slade
917 Main Street, Room 320
Vancouver, BC V6A 1N1
Canada

SUBJECT: RESPONSE TO A REQUEST FOR INFORMATION ON AN NRC RULEMAKING
PERMITTING FABRICATION OF SPENT FUEL STORAGE CASKS BEFORE
THE NRC HAS ISSUED A PART 72 CERTIFICATE OF COMPLIANCE

Dear Mr. Slade:

Thank you for your recent letter to the U.S. Nuclear Regulatory Commission (NRC). You requested information on the NRC's recently amended regulations permitting fabrication of dry spent fuel storage casks before the NRC has issued a Certificate of Compliance (CoC).

On August 21, 2000, the Commission issued a final rule amending the NRC's regulations in Title 10 of the Code of Federal Regulations (CFR), Part 72, "Licensing Requirements for the Independent Storage of Spent Fuel and High Level Radioactive Waste." The final rule was titled "Clarification and Addition of Flexibility" and was published in the FEDERAL REGISTER at 65 FR 50606. I am enclosing a copy of this Federal Register Notice for your information.

One of the actions of this final rule was to amend 10 CFR 72.234(c) to permit a licensee or an applicant for a CoC to begin fabrication of a spent fuel storage cask, before the NRC has issued a CoC. I would also note that any licensee or applicant who fabricates a spent fuel storage cask — before the CoC is issued — is responsible for verifying that any fabricated cask conforms to the subsequently issued CoC. Finally, the NRC also amended the quality assurance (QA) regulations in 10 CFR 72.140(c) to require that a licensee or applicant conduct any fabrication of spent fuel storage casks in accordance with an NRC-approved QA plan.

I trust this information adequately responds to your letter. We appreciate your interest in the actions and responsibilities of NRC.

Sincerely,

/RA/

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Enclosure: Federal Register Notice

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(Original Signed by:)

E. William Brach, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
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